

New Jersey Board
of Chiropractic
Examiners Filed, Date 8/22/91
Executive Director

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS

IN THE MATTER OF THE :
SUSPENSION OR REVOCATION OF :
THE LICENSE OF :

DONALD C. DeFABIO, D.C. :

Administrative Action

TO PRACTICE CHIROPRACTIC IN :
THE STATE OF NEW JERSEY :

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners in November 1990 upon receipt of a letter of complaint indicating that Donald C. DeFabio, D.C., was mailing letters which indicated that he might be performing acts beyond those lawfully authorized by his license to practice chiropractic. Dr. DeFabio testified during an investigative inquiry before a committee of the Board on April 4, 1991, when he was represented by counsel Richard Brigliadoro, Esq.

Dr. DeFabio stated that he graduated from chiropractic college in 1984 and attended a 500-hour post doctorate program until 1990, when he became a diplomate in chiropractic

orthopedics. On November 15, 1990, he sent a letter to former and current patients informing them of this status and stating that a chiropractic orthopedist was qualified to "conduct routine blood testing, electrocardiograms, weight management, body composition analysis, exercise and rehabilitation..." He testified that he performed EKGs with equipment sold to him by a company which provided an employee to train him in its use; that he also bought a telephone modem from the company; that he follows the protocol which the company gave him, using leads placed on a patient's arm and leg; that the leads transmit to the company through the modem; and that the EKG is interpreted by a company "cardiologist or technician, whoever is on staff." He did not know whether the EKG was being interpreted by a licensed physician qualified to do so. He further testified that he performed approximately two body composition analyses per month, a technique which he learned by taking a course through the mail.

The Board of Chiropractic Examiners found that Dr. DeFabio falsely held himself out as being capable of performing procedures which could not be performed by other chiropractors; that he was practicing outside the scope of chiropractic by performing EKGs; that he failed to administer the aforesaid tests properly; and that he improperly held himself out as being capable of interpreting the results when in truth the tests were interpreted via a modem.

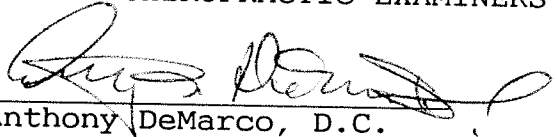
The parties being desirous of resolving this matter without the necessity for further administrative action, and the Board being satisfied that the within Order is adequately protective of

the public health and welfare,

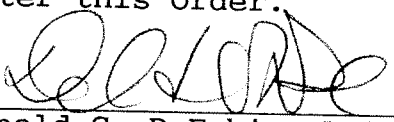
IT IS on this 19th day of August, 1991

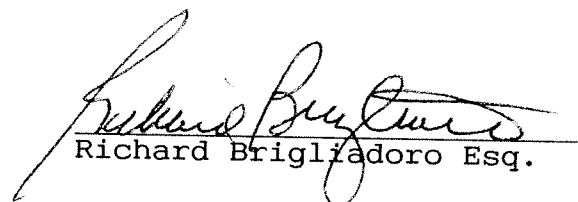
ORDERED that (1) Donald C. DeFabio, D.C., shall pay a civil penalty of \$250.00 for false and misleading advertising, in that he did hold himself out as being lawfully and professionally capable of performing procedures which other chiropractors could not perform, at least one of which, as a chiropractor, he himself could not lawfully perform, and for falsely holding himself out as being capable of interpreting the results of electrocardiac tests (EKGs); that (2) Donald C. DeFabio, D.C., shall forthwith cease and desist from performing EKGs or any other diagnostic procedure utilizing similar equipment or by any other means providing electrocardiograms; that (3) Donald C. DeFabio, D.C., shall dispose of any equipment which he currently possesses which may be used to perform such testing; and that (4) Donald C. DeFabio, D.C., shall pay a civil penalty of \$2000.00 for the unlawful performance of EKGs.

BOARD OF CHIROPRACTIC EXAMINERS

BY 
Anthony DeMarco, D.C.
President

I have read and understood
the within Order and agree
to be bound by the terms
herein. Consent is hereby
given for the Board to
enter this Order.


Donald C. DeFabio, D.C.


Richard Brigliadoro Esq.